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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7786
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA 1939
RUEHBUL/AMEMBASSY KABUL 0039
RUEHKO/AMEMBASSY TOKYO 1466
RUEHWL/AMEMBASSY WELLINGTON 2281
RUEHLMC/MILLENNIUM CHALLENGE CORP 0049
RHEHNSC/NSC WASHDC
RUEAWJA/DEPT OF JUSTICE WASHDC
RUEAIIA/CIA WASHDC
RUEATRS/DEPT OF TREASURY WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000183

SIPDIS

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DEPT FOR EAP, SCA, EAP/MTS, INR/EAP, INL FOR BOULDIN/BUHLER
DEPT FOR EEB/IFD/OMA
DOJ/OPDAT FOR LEHMANN/ALEXANDRE
SINGAPORE FOR BAKER
TREASURY FOR IA-BAUKOL
DEPT PASS FEDERAL RESERVE SAN FRANCISCO FOR FINEMAN
DEPT PASS EXIM BANK
DEPT PASS USTR FOR DKATZ, RBAE
NSC FOR EPHU

E.O. 12958: DECL: 01/30/2018
TAGS: [PGOV](#) [KJUS](#) [KCOR](#) [KMCA](#) [PREL](#) [ID](#)
SUBJECT: JUDICIAL REFORMS MOVE FORWARD

REF: A. 07 JAKARTA 3469

[1](#)B. 07 JAKARTA 2953
[1](#)C. 07 JAKARTA 3320
[1](#)D. 07 JAKARTA 3069

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Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: The Supreme Court is moving ahead on efforts to reform its management practices and is instructing officials on a new judicial code of conduct. Also on the reform track, the Attorney General's Office recently completed a project focused on instructing prosecutors on new human resource policies. In the meantime, the Constitutional Court--gaining recognition for its professionalism--is serving as a model for the entire system. Over all, some traction is being gained, though much more needs to be done to improve the country's judicial system. The USG continues to support this process. END SUMMARY.

SUPREME COURT TAKES SOME STEPS

[1](#)2. (SBU) Among Indonesia's judicial institutions, the Supreme Court arguably faces the greatest challenges (refs A and B). Over the past decade, the Court has not only been liberated from the over executive interference of the Suharto era, but--in an onerous tasking--has also assumed administrative control over Indonesia's entire system of district and regional courts. In 2004, the Supreme Court leadership initiated a reform program which focused on improving court operations in the areas of case management, information technology, training, human resources, budgeting and supervision. The program was greeted enthusiastically by observers, and has attracted significant donor support from USAID, the European Union and Australia.

[1](#)3. (SBU) Also with respect to U.S. support, the U.S.

Millennium Challenge Corporation Threshold Program (MCC) initiated a program with the Court in 2007 as part of its Control of Corruption Project. The project's Chief of Party, Jonathan Simon, recently briefed USAID and poloff on the progress of Court reforms. Simon described current efforts to create comprehensive job descriptions for all court positions, a first step towards rationalizing the Court's human resources. Simon described a similar procedure meant to improve management of Court assets and a program to provide training on the new Code of Conduct to judges throughout Indonesia. A new Court policy on transparency is making it easier for the public to access Court decisions and procedures, and has proven extremely popular with the public.

The Court's efforts in these and other areas were recently recognized by the Ministry of Finance, which agreed to an increase in the allowances paid to Court officials as part of a pilot bureaucratic reform initiative (the idea is that if pay is improved, officials will act in a more professional manner and be less prone to corruption).

14. (C) Some traction has been gained, but there are questions regarding the Court's commitment to continued reform. According to Simon, the reform program enjoys significant support from the Court leadership as well as younger employees, but generates resistance from mid-level employees who fear changes in a system that guarantees regular promotion. Other contacts, however, are less sanguine about the leadership's commitment. The head of one NGO that works with the Court--while noting that there had been some progress--told us that the Court had become less responsive to requests and that officials with questionable backgrounds had recently been appointed into key positions. According to this contact, these could be signs of a weakening in commitment to the reform program.

WORKING WITH PROSECUTORS

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15. (U) The Attorney General's Office (AGO) continues to push forward on its own internal reform program (see Ref C), which the GOI has stated will be a priority in 2008. Led by Deputy AG Muchtar Arifin, the AGO Reform Team recently completed a series of eight workshops designed to socialize the reforms to some 6000 prosecutors across Indonesia. The workshops explained new AGO policies on recruitment, career development, training, supervision and professional conduct. The workshops were supported by a grant from USAID's Decentralization and Democratic Governance (DDG) office.

A SUCCESSFUL MODEL

16. (SBU) Unlike other judicial bodies in Indonesia, the newly-formed Constitutional Court (CC) has emerged as a model institution of sorts (see Ref D). Created in 2003 to rule on the compatibility of national legislation with Indonesia's Constitution, the CC has earned a reputation for sound legal judgments and professional management. In December, the Indonesian business monthly Globe Asia named Chief Justice Jimly Asshiddiqie Man of the Year, citing both his leadership in establishing the institution and his determination to put legal considerations above political ones. (Note: Jimly's name has also been mentioned as a possible vice presidential candidate in the 2009 election.)

17. (SBU) This reputation for reform-minded jurisprudence and management has spread internationally. A contact at the Court recently told us, for example, that the Supreme Court of Afghanistan had requested technical assistance in setting up its own management systems. According to our contact, the Afghan court was seeking a partner in a Muslim country and was referred to the CC by officials at the World Bank. The two institutions plan to sign a Memorandum of Understanding formalizing the assistance during an upcoming visit by Afghanistan's Chief Justice. A date for that visit has not yet been set.

A LONG ROAD

18. (C) In general, the Indonesian judicial system does not have a positive reputation. There are bright spots, such as the Constitutional Court, but judicial reform is clearly a long term process. Stubborn bureaucracies, endemic corruption, chronic lack of resources and short term political calculations will continue to hamper progress. That said, the gradual improvements taking place across various institutions demonstrate that the GOI continues to see judicial reform as a goal worth pursuing. The U.S. will continue to try to assist this progress through well-targeted programs that leverage Indonesian government efforts and those of other members of the international community.

HUME